

1 William M. Demlong (Nevada Bar No. 7674)

2 **KUNZ PLITT HYLAND**

3 **DEMLONG & KLEIFIELD**

4 3838 N. Central Avenue

5 Suite 1500

6 Phoenix, Arizona 85012-1902

7 (602) 331-4600

8 wmd@kunzlegal.com

9 Attorneys for Defendant Sun Life

10 Assurance Company of Canada

11 **IN THE UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 SUSAN KEENAN,

14 Plaintiff,

15 vs.

16 SUN LIFE ASSURANCE COMPANY
17 OF CANADA (US), a Massachusetts
18 corporation; DOES I through V
19 inclusive; and ROES I through V,
20 inclusive,

21 Defendants.

No.

NOTICE OF REMOVAL

22 Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Sun Life Assurance
23 Company of Canada (US) (“Sun Life”), hereby notices the removal of the above-captioned
24 case from the District Court of Clark County Nevada (“Clark County District Court”), to
25 the United States District Court for the District of Nevada and in support thereof
respectfully asserts:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332, and this action may
be removed pursuant to 28 U.S.C. § 1441(b), because it is a civil action between parties

1 with complete diversity of citizenship and the amount in controversy, including past
2 disability benefits, future disability benefits and extra contractual damages (exclusive of
3 interest and costs) exceeds the jurisdictional minimum of \$75,000.00.

4 2. Plaintiff Susan Keene is a citizen of the State of Nevada or the State of
5 Wyoming.

6 3. Defendant Sun Life is a citizen of the State of Delaware and the
7 Commonwealth of Massachusetts by virtue of the fact that it is a Delaware corporation,
8 with its principal place of business in Wellesley Hills, Massachusetts.

9 4. Less than thirty (30) days prior hereto, the Summons, Complaint, and Proof
10 of Service (a copy of which is attached hereto as Exhibit "A") were served on Sun Life.

11 5. This Notice of Removal is being filed within thirty (30) days after receipt of
12 the Complaint, served on January 14, 2010 on the Nevada Department of Insurance, and is
13 timely filed under 28 U.S.C. § 1446(b). This case was filed in the Clark County District
14 Court, as Case No. A-10-607516-C. The Summons and Complaint were delivered to Sun
15 Life on January 15, 2010 through the State of Nevada Department of Business and Industry
16 Division of Insurance.

17 6. The time in which Sun Life has to answer or move with respect to the
18 Complaint has not expired.

19 7. A Notification of Filing Notice of Removal in Federal Court, a true and
20 correct copy of which is attached as Exhibit "B", has been filed in Clark County District
21 Court on behalf of Sun Life.

22 WHEREFORE, Sun Life requests that the above action now pending in the Clark
23 County District Court be removed to this Court.

1 RESPECTFULLY SUBMITTED this 12th day of February, 2010.

2 **KUNZ PLITT HYLAND**
3 **DEMLONG & KLEIFIELD**
4 A Professional Corporation

5 By s/William M. Demlong
6 William M. Demlong
7 3838 North Central Avenue, Suite 1500
8 Phoenix, Arizona 85012-1902
9 Attorneys for Defendant Sun Life
Assurance Company of Canada (US)

10 **CERTIFICATE OF SERVICE**

11 I do hereby certify that on the 12th of February, 2010 service of the foregoing,
12 Notice of Removal made by U.S., Mail, this date, mailing a copy of the same to:

13 Julie A. Mersch, Esq.
14 LAW OFFICE OF JULIE A. MERSCH
15 701 S. Seventh Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

16 s/L. Gilroy
17 An Employee of Kunz Plitt Hyland Demlong &
18 Kleifield
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